



General Assembly

Amendment

February Session, 2004

LCO No. 4756

SB0002804756SD0

Offered by:

SEN. CIOTTO, 9th Dist.

REP. COCCO, 127th Dist.

To: Subst. Senate Bill No. 28

File No. 542

Cal. No. 403

**"AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL
MOTOR CARRIER SAFETY IMPROVEMENT ACT."**

1 Strike section 12 in its entirety and insert the following in lieu
2 thereof:

3 "Sec. 12. Section 14-44k of the general statutes, as amended by
4 section 38 of public act 03-278, is repealed and the following is
5 substituted in lieu thereof (*Effective January 1, 2005*):

6 (a) A driver who is disqualified or subject to an out-of-service order
7 shall not drive a commercial motor vehicle. An employer shall not
8 knowingly permit or require a driver who is disqualified to drive a
9 commercial motor vehicle.

10 (b) In addition to any other penalties provided by law, and except as
11 provided in subsection (d) of this section, a person is disqualified from
12 operating a commercial motor vehicle [(1)] for one year if convicted of
13 one violation of [(A)] (1) operating any motor vehicle while under the

14 influence of intoxicating liquor or drugs or both under section 14-227a,
15 as amended, (2) operating a commercial motor vehicle while having a
16 blood alcohol concentration of four-hundredths of one per cent, or
17 more, [(B)] (3) evasion of responsibility, involving a commercial motor
18 vehicle, under section 14-224, [or (C)] (4) using [a commercial] any
19 motor vehicle in the commission of any felony, as defined in section
20 14-1, as amended by this act, [(2) for sixty days if convicted of one
21 violation of section 14-249 or 14-250, (3) for one hundred twenty days if
22 convicted of a second violation of section 14-249 or 14-250, and (4) for
23 one year if convicted of a third or subsequent violation of section 14-
24 249 or 14-250 during any three-year period] (5) operating a commercial
25 motor vehicle while the operator's commercial driver's license is
26 revoked, suspended or cancelled, or while the operator is disqualified
27 from operating a commercial motor vehicle, or (6) causing a fatality
28 through the negligent or reckless operation of a commercial motor
29 vehicle, as evidenced by a conviction of a violation of section 53a-56b,
30 53a-57, 53a-60d or 14-222a.

31 (c) In addition to any other penalties provided by law, and except
32 as provided in subsection (d) of this section, a person is disqualified
33 from operating a commercial motor vehicle for one year if the
34 commissioner finds that such person has refused to submit to a test to
35 determine [his] such person's blood alcohol concentration while
36 [driving a commercial] operating any motor vehicle, or has failed such
37 a test when given, pursuant to the provisions of section 14-227b. For
38 the purpose of this subsection, a person shall be deemed to have failed
39 such a test if the ratio of alcohol in the blood of such person was four-
40 hundredths of one per cent or more of alcohol, by weight.

41 (d) If a person commits any of the disqualifying offenses identified
42 in [subsections (b) and (c)] subsection (b) of this section or is the subject
43 of a finding by the commissioner under subsection (c) of this section
44 while driving a vehicle transporting hazardous materials, required to
45 be placarded under the Hazardous Materials Transportation Act,
46 [Sections 1801 to 1813, inclusive, Title 49, United States Code] 49 USC
47 1801 to 1813, inclusive, as amended, such person shall be disqualified

48 for a period of three years.

49 (e) In addition to any other penalties provided by law, a person is
50 disqualified from operating a commercial motor vehicle for (1) sixty
51 days if convicted of failure to stop at a railroad grade crossing, in
52 violation of section 14-249 or 14-250, as amended by this act, while
53 operating a commercial motor vehicle, (2) one hundred twenty days if
54 convicted of a second violation of section 14-249 or 14-250, as amended
55 by this act, while operating a commercial motor vehicle, and (3) one
56 year if convicted of a third or subsequent violation of section 14-249 or
57 14-250, as amended by this act, while operating a commercial motor
58 vehicle, during any three-year period.

59 (f) In addition to any other penalties provided by law, a person is
60 disqualified from operating a commercial motor vehicle for a period of
61 not less than sixty days if convicted of two serious traffic violations, as
62 defined in section 14-1, as amended by this act, or one hundred twenty
63 days if convicted of three serious traffic violations, committed while
64 operating any motor vehicle arising from separate incidents occurring
65 within a three-year period.

66 ~~[(e)]~~ (g) Any person who uses [a commercial] any motor vehicle in
67 the commission of a felony involving the manufacture, distribution or
68 dispensing of a controlled substance shall be disqualified for life.

69 ~~[(f)]~~ (h) A person is disqualified for life if [convicted of] such person
70 commits two or more [violations of any] of the offenses specified in
71 subsection (b) of this section, or if [he] such person is the subject of two
72 or more findings by the commissioner under subsection (c) of this
73 section, or any combination of those offenses or findings, arising from
74 two or more separate incidents. A person is disqualified for life if the
75 commissioner takes suspension actions against such person for two or
76 more alcohol test refusals or test failures, or any combination of such
77 actions, arising from two or more separate incidents. Any person
78 disqualified for life, except a person disqualified under subsection (g)
79 of this section, who has both voluntarily enrolled in and successfully

80 completed an appropriate rehabilitation program, as determined by
81 the commissioner, may apply for reinstatement of [his] such person's
82 commercial driver's license, provided any such applicant shall not be
83 eligible for reinstatement until such time as [he] such person has
84 served a minimum disqualification period of ten years. [Should a
85 reinstated driver be] If a person whose commercial driver's license is
86 reinstated is subsequently convicted of another disqualifying offense,
87 [he] such person shall be permanently disqualified for life and shall be
88 ineligible to reapply for a reduction of the lifetime disqualification.

89 [(g)] (i) (1) Except as provided in subdivision (2) of this subsection,
90 any person who violates an out-of-service order shall be disqualified
91 from operating a commercial motor vehicle: (A) For a period of not less
92 than ninety days nor more than one year for a first violation; (B) for a
93 period of not less than one year nor more than five years for a second
94 violation during any ten-year period, where such violations arose from
95 separate incidents; and (C) for a period of not less than three years nor
96 more than five years for a third or subsequent violation during any
97 ten-year period, where such violations arose from separate incidents.

98 (2) Any person who violates an out-of-service order while driving a
99 vehicle transporting hazardous materials, required to be placarded
100 under the Hazardous Materials Transportation Act, [Sections 1801 to
101 1813, inclusive, Title 49, United States Code] 49 USC 1801 to 1813,
102 inclusive, or a commercial motor vehicle designed to transport [fifteen]
103 sixteen or more passengers, including the driver, shall be disqualified
104 from operating a commercial motor vehicle: (A) For a period of not less
105 than one hundred eighty days nor more than two years for a first
106 violation and (B) for a period of not less than three years nor more than
107 five years for a second or subsequent violation during any ten-year
108 period, where such violations arose from separate incidents.

109 (3) In addition to the penalties provided in subdivision (1) or (2) of
110 this subsection, any person who violates an out-of-service order shall
111 be subject to a civil penalty of not less than one thousand one hundred
112 dollars nor more than two thousand [five] seven hundred fifty dollars.

113 [(h) A person is disqualified from driving a commercial motor
114 vehicle for a period of not less than sixty days if convicted of two
115 serious traffic violations, or one hundred twenty days if convicted of
116 three serious traffic violations, committed in a commercial motor
117 vehicle arising from separate incidents occurring within a three-year
118 period.]

119 (j) Any holder of a commercial driver's license whose driving is
120 determined by the Federal Motor Carrier Safety Administration to
121 constitute an imminent hazard, as defined section 14-1, as amended by
122 this act, shall be disqualified from operating a commercial motor
123 vehicle. The period of disqualification may not exceed thirty days
124 unless the commissioner is satisfied that the Federal Motor Carrier
125 Safety Administration has complied with the procedures for review
126 and hearing set forth in 49 CFR 383.52.

127 [(i)] (k) After taking disqualification action, or suspending, [or]
128 revoking or cancelling a commercial driver's license, the commissioner
129 shall update [his] the commissioner's records to reflect such action
130 within ten days. After taking disqualification action, or suspending,
131 [or] revoking or cancelling the operating privileges of a commercial
132 driver who is licensed in another state, the commissioner shall notify
133 the licensing state of [his] such action within ten days. Such
134 notification shall identify the violation that caused such
135 disqualification, suspension, cancellation or revocation."